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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/071,673

02/07/2002

Michael Cronin

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08/12/2004

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EXAMINER

KIM, WESLEY LEO

ART UNIT

PAPER NUMBER

2683

DATE MAILED: 08/12/2004

4

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/071,673

Applicant(s)

CRONIN ET AL.

Examiner

Wesley L Kim

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 04 August 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 April 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>02/07/02</u> . | 6) <input type="checkbox"/> Other: _____  |

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3, 6, 7, 10, 12-17, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Halonen.

Regarding claim 1, Halonen discloses a mobile phone(10), comprising: a receiver(16) for receiving radio frequency signals; a transmitter(14) for transmitting said radio frequency signals (Col.1;59-Col.2;23); a digital memory(24) for storing digital data wherein said digital memory includes downloaded data with executable software from an external data source (Col.4;50-Col.5-25); and a digital processor(18) for processing said digital data (Col.4;50-Col.5-25).

Regarding claims 3, 6, 7, Halonen teaches that a external data source is a base transceiving station (30) of a mobile communication system (Col.2;33-36, cellular communication system); a keyboard including at least a section wherein a layout thereof is defined by said downloaded data (Col.2;62-67 and Col.3;36-52, keypad).; a main display(20) including at least a section where dialogues or menus are displayed, said dialogues and said menus being provided by said downloaded data (Col.2;60-Col.3;14);

Regarding claims 10, and 12, Halonen discloses digital memory including an electrically erasable programmable read-only memory (EEPROM) (Col.3;56-60); said downloaded data defines a menu structure for functions of said mobile phone (Col.3;31-55);

Regarding claim 13, Halonen discloses A mobile communication system (Fig.2-32), comprising: an external data source (Col.1;65-Col.2;1-6); and a mobile phone(10), including: a receiver(16) for receiving radio frequency signals; a transmitter(14) for transmitting said radio frequency signals; a digital memory(24) for storing digital data wherein said digital memory includes downloaded data with executable software from said external data source (Col4;50-Col.5-25); and a digital processor(18) for processing said digital data;

Regarding claims 14-17, and 20, said external data source includes a base transceiving station of a cellular mobile communication system (Col. 2;33-36, see fig. 2-32, Col.3;18-30, the mobile communication system can be GSM, CDMA, IS-136, or EIA/TIA 627 but not necessarily limited to those listed or any one particular type); said downloaded data defines a menu structure for functions of said mobile phone (col.3;31-55); external data source is a base transceiving station of a mobile communication system (Col. 2;33-36, see fig. 2-32, Col.3;18-30).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 5 is rejected to under 35 U.S.C 103(a) as being unpatentable over Halonen and Averbuch et al in further view of Hall et al.

Regarding claim 5. Halonen and Averbuch et al describe the mobile phone as recited in claim 1 and comprises an interface for an exchange of digital data with external devices (See claim 4 rejection above). Averbuch et al does not expressly disclose an external digital device including at least a personal computer, a database system at the location of a manufacturer or re-seller, or a database of an internet data service provider. Hall et al discloses a personal computer (Fig.1 reference no.24-25) as his external digital device. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use Halonen and Averbuch et als mobile phone as recited in claim 1 and 4 in combination with Hall et als' personal computer. One of ordinary skill in the art would have been motivated to do this because this would allow updated software to be exchanged at home without having to take their mobile phone to a service shop (Fig.1).

5. Claim 8 is rejected to under 35 U.S.C 103(a) as being unpatentable over Halonen in view of Allard et al.

Regarding claim 8, Halonen describes the mobile phone as recited in claim 1 (Col.1;59-67 and Col.2;1-23). Halonen describes the mobile phone as

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recited in claim 7 (Col.2;60-67 and Col.3;1-14). Halonen does not expressly disclose a main display showing icons having associated functionality on a touch-screen area. Allard et al discloses a main display showing icons having associated functionality on a touch-screen area (Col.2;63-67 and Col.3;1-12). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to take a mobile phone as described in claims 1 and 7 of Halonen and combine it with Allard et al's personal communication device display showing icons having associated functionality on a touch-screen area to create a mobile phone with a display showing icons having associated functionality on a touch-screen area. One of ordinary skill in the art would have been motivated to do this because the combination would allow marking of text for certain applications and all the functionalities of a mobile phone. See abstract.

6. Claim 9 rejected under 35 U.S.C. 103(a) as being unpatentable over Halonen in view of Valentine et al.

Regarding claim 9, Halonen describes the mobile phone as recited in claim 1 column1 lines 59-67 and column 2 lines 1-23. Halonen describes a loudspeaker, which he calls a speaker, and an electronic circuitry connected thereto for driving said loudspeaker in col. 2 lines 60-61 and also see Fig. 1. Halonen does not expressly disclose downloaded melodies associated with functions of said mobile phone. Valentine et al discloses downloaded data comprising melodies associated with functions of said mobile phone in the abstract. At the time the invention was made, it would have been obvious to a

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person of ordinary skill in the art to take a mobile phone as described in claims 1 and 7 of Halonen and combine it with Valentine et al to come up with a mobile phone with the ability to download melodies. One of ordinary skill in the art would have been motivated to do this because the combination would allow an individual to select and download new tones to be used for different call scenarios (Col.1;35-40).

7. Claim 11 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Halonen in view of Park.

Halonen discloses the mobile phones as recited in claim 13 (See claim 13 rejection above). Halonen does not expressly disclose an internet interface for exchanging data with an internet service provider. Park discloses an internet interface used to transmit data through a data interface of an occupation system for two channels respectively transmitting data so that a wireless internet service may be provided to a mobile station at high speed (abstract lines 1-7). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the mobile phone as recited in claim 1 with an internet interface for exchanging data with an internet service provider. One of ordinary skill in the art would have been motivated to do this because the mobile phone interface may be configured to exchange digital data with other external data sources than those mentioned above (Col.4;61-Col.5;3 of Cronin)

8. Claims 2, 4, and 18 are rejected to under 35 U.S.C 103(a) as being unpatentable over Halonen in view of Averbuch et al.

Regarding claim 2, Halonen discloses the mobile phone as recited in claim 1. See above rejection of claim 1. Halonen does not expressly disclose a mobile phone further comprising a digital memory further including pre-stored run-time software. Averbuch et al teaches a mobile phone as based on software programs stored and executed within wireless communication units. He then goes on to say that existing features are improved and new features are developed for wireless communication units, new versions of software become available with frequency, further disclosing pre-stored run-time software (Col.1;13-20). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine Halonens' mobile phone with pre-stored run-time software. One of ordinary skill in the art would have been motivated to do this because the software may provide machine functionality (Col.3;37-42 of Cronin).

Regarding claim 4, Halonen discloses the mobile phone as recited in claim 1. See above rejection of claim 1. Halonen does not expressly disclose a mobile phone further comprising an interface for an exchange of digital data with external digital devices. Averbuch et al discloses a mobile phone further comprising an interface for an exchange of digital data with external digital devices (Col.2;10-23). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine Halonens' mobile phone with Averbuch et als' interface for an exchange of digital data. One of ordinary skill in the art would have been motivated to do this because it would



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allow a mobile communication system to upgrade the functionality of a mobile phone (Col.1;15-17 of Cronin, also note Col.2;12-16 of Cronin).

Regarding claim 18, Halonen discloses the mobile communication system as recited in claim 13. See above rejection of claim 13 by 35 U.S.C 103(a).

Halonen does not expressly disclose a mobile phone further comprising an interface for an exchange of digital data with external digital devices. Averbuch et al does disclose a mobile phone further disclosing an interface for an exchange of digital data with external devices as shown in the 35 U.S.C 102(b) rejection of claim 4 above. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine Halonens' mobile communication system and combine it with an interface for an exchange of digital data with external digital devices. One of ordinary skill in the art would have been motivated to do this because a mobile phone connected to a land based communication network interface has the ability to receive updated software from a server and downloads the updated software to the mobile phone via the interface. See col. 2 lines 10-22.

9. Claims 21, 22, 24, and 25 are rejected to under 35 U.S.C 103(a) as being unpatentable over Averbuch in view of Hall et al.

Regarding claims 21 and 25, Averbuch et al discloses of receiving computer software from an external data source (Col.2;10-22). He also discloses a mobile phone as recited in claim 4. Averbuch et al does not expressly describe a system for configuring a mobile phone or a user end tool that facilitates a

transfer of downloaded data. Hall et al discloses a system for configuring a mobile phone (Col. 1 lines 42-60). He also defines a computer as a user end tool via the web that facilitates a transfer of downloaded data in (Col.1;42-60, internet). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine this method of configuration and data transfer via the internet and apply it to a mobile phone such as Averbuch et als'. One of ordinary skill in the art would have been motivated to do this because it would allow a consumer to readily access the www and customize the display and "look and feel" of the mobile phone (Col.1;54-63).

Regarding claims 22 and 24, Averbuch et al and Hall et al disclose the system for configuring a mobile phone as recited in claim 21. Averbuch does not expressly disclose a user end tool including a resource editor and resource loader in claim 21. Hall et al discloses a user end tool including a resource editor (Col.2;64-67, Col.3;1-12) and a resource loader (Col.3;63-67, Col.4;1-4). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the system for configuring a mobile phone with a user end tool including a resource editor and resource loader. One of ordinary skill in the art would have been motivated to do this because it allows the user to modify and then download the data from an external source (Col.3;53-67 of Cronin).

10. Claim 23 rejected under 35 U.S.C. 103(a) as being unpatentable over Averbuch et al and Hall et al in further view of Coppinger et al.

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Regarding claim 23, Averbuch et al and Hall et al disclose the system for configuring a mobile phone as recited in claim 21. Averbuch et al and Hall et al do not expressly disclose a user end tool including a resource compiler in claim 21. Coppinger et al discloses a compiler (Col.18;59-67, Col.19;1-27). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the system for configuring a mobile phone with a user end tool including a compiler. One of ordinary skill in the art would have been motivated to do this because it allows the downloadable resource to be compiled and downloaded via the resource loader (Col.3;65-67 of Cronin).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wesley L Kim whose telephone number is 703-605-4319. The examiner can normally be reached on Monday-Friday 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 703-308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

WLK



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